

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CRIMINAL WRIT PETITION NO.1695 OF 2025

**VINAYAK SHRIPATI KARAD
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

....
Mr. Rahul P. Cheble, Advocate for the Petitioner
Mr. N. B. Patil, APP for Respondent - State

....
**CORAM : SANDIPKUMAR C. MORE AND
ABASAHEB D. SHINDE, JJ.**

DATED : 02/02/2026.

ORDER :

1. **Rule.** Rule made returnable forthwith. Heard finally at the admission stage with the consent of the learned counsel for the petitioner as well as the learned APP for the respondent-State.
2. By way of the present petition, the petitioner, who is the original informant in Sessions Case No.18 of 2021, has challenged the impugned communication dated 12/09/2025 issued by Respondent No.2, whereby the request of the petitioner in the aforesaid sessions case for appointment of Mr. Balraj Vishwanath Reddy as a Special Public Prosecutor has been rejected.
3. The learned counsel for the petitioner submitted that the accused persons are influential and that the regular Public Prosecutor presently conducting the case is not prosecuting the matter diligently. According to him, Respondent No.2, without any

valid ground, rejected the petitioner's request without assigning proper reasons.

4. On the contrary, the learned APP supported the action of Respondent No. 2 and submitted that the Public Prosecutor, Shri Shivnarayan Randad, who is presently conducting the prosecution in the aforesaid case, is competent and experienced. It was further submitted that the case has arisen out of a land dispute between two groups from the same village, and therefore, the request for appointment of a Special Public Prosecutor, as made by the petitioner, cannot be considered, having regard to Rule 22 of the Maharashtra Law Officers Rules and also considering the fact that the said case does not fall within any of the following categories:

- I. any offence of in backward class,*
- II. involvement offence against women,*
- III. Plan and collusion committing murder,*
- IV. group committing murder,*
- V. an economic offence wherein public money has been defrauded,*
- VI. an offence by an extremists or*
- VII. an offence of law and order in the country,*
- VIII. an offence wherein a serious question of offence arises.*

5. Admittedly, the request for appointment of a Special Public Prosecutor, as made by the petitioner, has been rejected by Respondent No.2. In the reply filed by the Joint Secretary, Law and Judiciary Department, Mantralaya, Mumbai, Branch at Chhatrapati Sambhajnagar, it has been stated that the case at

hand does not satisfy the aforesaid criteria as submitted by the learned APP. It further appears from the report of the Director General of Prosecution, Latur, that the present Additional Public Prosecutor, Shri Randad, is conducting the prosecution diligently and effectively. In addition, the petitioner is at liberty to appoint an advocate to assist the Public Prosecutor. The case also appears to have arisen out of a family dispute. Therefore, we are satisfied that the decision refusing appointment of a Special Public Prosecutor, as sought by the petitioner, is in consonance with the applicable criteria referred to hereinabove. As such, we find no merit in the petition and the same stands dismissed.

(ABASAHEB D. SHINDE J.) (SANDIPKUMAR C. MORE , J.)